

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

TOMMY SCOTT THOMAS, #1900865	§	
VS.	§	CIVIL ACTION NO. 6:16cv050
DIRECTOR, TDCJ-CID	§	

ORDER OF DISMISSAL

Petitioner Tommy Scott Thomas, an inmate confined in the Texas prison system, proceeding *pro se*, filed the above-styled and numbered petition for a writ of habeas corpus challenging his conviction and sentence. The petition was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus should be dismissed without prejudice because Petitioner did not comply with the Court's order to submit the \$5 filing fee or an Application to Proceed IFP. Petitioner received the Report and Recommendations, and filed a response. *See* Docket Entry # 7. Petitioner's response does not address the Report and Recommendation, or the previous order. Petitioner merely states that his petition was timely filed. *See Id.*

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and in light of the fact that no objections by either party have been filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is

accordingly

ORDERED that the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** without prejudice. A certificate of appealability is **DENIED**. All motions not previously ruled on are hereby **DENIED**.

SIGNED this 31st day of May, 2016.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE